



Writer's Direct Dial: (484) 270-1465
E-Mail: snirmul@ktmc.com
Please reply to the Radnor Office

January 28, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: Sjunde AP-Fonden, et al. v. Gen. Elec. Co., et al., Case No. 17-cv-8457 (JMF)

Dear Judge Furman:

Pursuant to Rules 7(B) and 7(C) of Your Honor's Individual Rules and Practices in Civil Cases ("Individual Practices"), Standing Order 19-MC-583, and Section 6 of the Southern District of New York Electronic Case Filing Rules & Instructions, Lead Plaintiff Sjunde AP-Fonden and additional plaintiff The Cleveland Bakers & Teamsters Pension Fund ("Plaintiffs") respectfully seek leave to file with redactions their contemporaneously filed letter seeking leave to file a reply ("Proposed Reply") in support of their letter motion regarding text messages (ECF No. 284), and to file under seal the exhibits attached thereto, which have been designated by Defendants as "Confidential" pursuant to the Stipulated Protective Order (ECF No. 227).

Plaintiffs asked Defendants whether they would withdraw their confidentiality designations on the materials referenced in and attached to the Proposed Reply. As of the time of this filing, Defendants have not agreed to withdraw any of their designations. Accordingly, pursuant to the Stipulated Protective Order, references to such material in Plaintiffs' submission must be sealed and redacted where appropriate. Pursuant to Rules 7(C)(ii) and (iii) of Your Honor's Individual Practices, Plaintiffs have contemporaneously filed the Proposed Reply with redactions, and the exhibits have been filed under seal, on ECF.

For these reasons, Plaintiffs respectfully request that the Court grant their request for leave to file the Proposed Reply with redactions and the exhibits thereto under seal, pending the Court's evaluation of a letter submission by Defendants explaining and justifying the need to redact or seal these documents pursuant to Rule 7(C)(i) of Your Honor's Individual Practices.

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Respectfully Submitted,

Sharan Nirmul

cc: All counsel of record (via ECF)

The motion to seal is granted temporarily. That said, mere agreement between the parties to keep a document confidential is not sufficient to keep a “judicial document” sealed or redacted. *See, e.g., United States v. Wells Fargo Bank N.A.*, No. 12-CV-7527 (JMF), 2015 WL 3999074, at *4 (S.D.N.Y. June 30, 2015) (citing cases). Thus, if any party believes that the materials at issue should remain sealed or redacted, that party shall file a letter brief, within three days and not to exceed three pages, showing why doing so is consistent with the presumption in favor of public access to judicial documents. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). The Clerk of Court is directed to terminate ECF No. 286. SO ORDERED.

January 31, 2022